

S/015/046



United States Department of the Interior

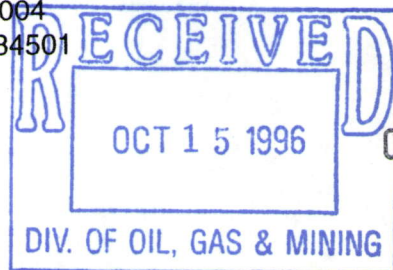
BUREAU OF LAND MANAGEMENT

Moab District
Price River/San Rafael Resource Area
125 South 600 West
P.O. Box 7004
Price, Utah 84501

3809

(UTU-69856)

(UT-066)



OCT - 9 1996

Certified Mail--Return Receipt Requested
Certificate No. Z 382 123 807.

Mr. Tom Clark
P.O. Box 658
St. George, Utah 84770

NOTICE OF DECISION

A field examination conducted on October 2, 1996, of your underground mining operation on the Daddy Dearest mining claim group found that two different spur roads had been constructed, a ventilation shaft had been built, an extra fuel depot had been installed, and an explosives container had been installed onsite. In addition, it was learned that Nielson Construction is no longer the co-operator. It has been determined that none of these changes are included in your notice which is on file at the Price Area Office.

You are not conducting your operations in accordance with your notice and have therefore been found to be operating in noncompliance for failure to submit an amended notice prior to making the changes on the ground pursuant to 43 Code of Federal Regulations 3809.1-3.

You shall submit an amended notice, which will include a map and calculations of acreage disturbed, within 10 days from the date of this notice of noncompliance. The amended notice shall address all changes, including reclamation. Failure to comply with the conditions of this notice of noncompliance shall result in you being required to submit a plan of operations and obtain a reclamation bond.

You have the right to appeal to the Utah State Director, Bureau of Land Management in accordance with 43 Code of Federal Regulations 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing within 30 days from the date of this decision. This decision will remain in effect during the appeal unless a written request for a stay is granted.

MARK E. BAILEY

Area Manager

cc: Bryant Anderson
Emery County Planning and Zoning
P.O. Box 297
Castle Dale, Utah 84513
Kiran Bhayani
Utah Department of Environmental Health
Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870
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